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October 5, 2009

VIA ECF

Hon. Peter G. Sheridan, U.S.D.J.
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street, Room 2020
Trenton, New Jersey 08608

Re: **Berg v. Katz, et al.**
Civil Action No. 07-5567 (PGS) (ES)

Dear Judge Sheridan:

This firm represents plaintiff Jonathan Berg in the above-referenced action. I write to request that the Court dismiss the Complaint with prejudice as to the remaining two defendants, Greg Badini and Kevin Tauro.

Nearly a year ago, plaintiff settled this case with defendant Local 1034, and then settled with defendants Hrenda, Curtis-Stephens, Ruffin, and Mickle in February of this year. On October 1, 2009, Your Honor approved a stipulation of dismissal as to defendant Carla Katz.

As to *pro se* defendants Badini and Tauro, I informed both of them via letter dated June 18, 2009 that plaintiff intended to withdraw his claims against them, and requested that they execute stipulations of dismissal to be filed with the Court. By letter dated June 19, 2009, I informed Magistrate Judge Esther Salas of the same. On June 24, 2009, I called defendants Badini and Tauro to make sure that they had received my letters and reminded them to execute the accompanying stipulations. On June 26, 2009, Badini and Tauro failed to appear for a mandatory status conference before Magistrate Judge Salas, where I again informed the Court that plaintiff was withdrawing his claims against Badini and Tauro and was awaiting the return of the stipulations of dismissal. On July 14, 2009, I again wrote letters to Badini and Tauro reminding them to execute and return the stipulations of dismissal. As of today, I have not received the stipulations of dismissal nor any other correspondence from Badini or Tauro. No

Hon. Peter G. Sheridan

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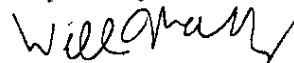
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cross-claims have been brought in this matter.

Accordingly, I request that the Court dismiss the Complaint with prejudice as to the remaining two defendants, Greg Badini and Kevin Tauro, and that this case be removed from the Court's docket.

If Your Honor has any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Respectfully submitted,



William S. Massey

WSM/tc

cc: Honorable Esther Salas, U.S.M.J.
Greg Badini (via regular mail)
Kevin Tauro (via regular mail)

SO ORDERED: Peter G. Sheridan
DATED: 10/6/09